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16805 U.S. PTO

Express Mail No. EV 301125141 US

Patent: Continuation Application Transmittal
Attorney Docket: 949797-100030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Attorney Docket No.: 949797-100030 US
First Named Inventor: Edward M. Goldsmith

Prior Parent Application Information:
Serial No. 10/290,052
Examiner: Graham, M.ark
Art Unit: 3711

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

16018 U.S. PTO
10/826983
041604

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/290,052, filed on 11/6/2002, which is a continuation of Serial No. 09/663,598, filed on 09/15/2000, by

Goldsmith, Edward et al., entitled:

HOCKEY STICK

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop Patent Application, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 301125141 US
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April 16, 2004
Date of Deposit
LAI-2104897v1

Yolanda G. Ybuan
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Yolanda G. Ybuan
Signature of Person Mailing Paper

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 Patent: Continuation Application
 Attorney Docket: 949797-100030
I. APPLICATION ELEMENTS ENCLOSED

- 26 Page(s) of Written Description
 19 Page(s) of Claims
 1 Page(s) of Abstract
 12 Sheet(s) of Drawings ☒ formal ☐ informal
 2 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
 Copy filed on from prior application [37 CFR §1.63(d)] Serial No.
 ☒ 09/663,598, filed on 09/15/2000
 ☐ Newly executed
 Yes Other: Return Postcard, Preliminary Amendment, IDS, Form 1449 and the below Noted items

- ☒ This application as well as the prior applications are assigned to Jas. D. Easton. A copy of the Assignment to Jas. D. Easton (cover sheet and documents(s)) was filed in the grandparent application Serial No. 09/663,598 and recorded in the PTO on February 8, 2001, Reel 011532, Frame 0090.
☒ An Information Disclosure Statement, PTO Form 1449 listing cited references, with copies of non-U.S. patent documents cited in PTO Form 1449.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. AMENDMENTS

- ☒ A Preliminary Amendment is enclosed in which Claims 1-107 of the original application have been canceled and claims 108-133 have been added. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.) Please calculate the fees associated with this application after the Preliminary Amendment has been entered.

III. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:							\$770.00
Total Claims	26	-	20	=	6	x \$18.00	\$108.00
Independent Claims	3	-	3	=	0	x \$86.00	\$0.00
Multiple Dependent Claims	\$290	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$878.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
TOTAL FEES DUE HEREWITH							\$878.00
(Calculated after Entry of Accompanying Preliminary Amendment)							

IV. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

V. RELATE BACK - 35 USC § 120

- ☒ This application is a continuation of Application Serial No 10/290.052, now pending and filed on November 6, 2002, which in turn is a continuation of Application Serial No. 09/663,598, filed on September 15, 2000, now abandoned.
- ☒ Appropriate relation back information is included in the accompanying preliminary amendment or specification.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
 - ☒ the same.
 - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
[Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge Jones Day's Deposit Account No. **50-2468** in the amount of \$878.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☒ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☒ The original power does not appear in the original papers, but was filed on February 20, 2003 in the prior application Serial No. 10/290,052 with Applicants' Response to the Notice to File Missing Parts dated December 30, 2002. A copy of that Power is enclosed herewith.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 34026:

34026	JONES DAY
PATENT TRADEMARK OFFICE	555 W. Fifth Street, Suite 4600
	Los Angeles, CA 90013-1025
	Tel.: (213) 489-3939

Please direct all inquiries to Yasser M. El-Gamal, at the above Customer Number and address.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

JONES DAY

Dated : April 16, 2004

By: 

Yasser M. El-Gamal

Reg. No. 45,339

Jones Day

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Enclosures

JAS. D. EASTON

Name of Assignee

7855 Haskell Avenue, Suite 200

Address of Assignee

President

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on February 8, 2001, Reel 011532, Frame 0090